

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

NICKOLAS GARRET O'BRIEN (1)

Defendant.

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2:24-cr-00022-Z-BR (1)

**ORDER SCHEDULING ARRAIGNMENT AND
NOTICE OF WAIVER OF APPEARANCE**

Arraignment of Defendant¹, NICKOLAS GARRET O'BRIEN, in the above-referenced and numbered cause, will be held on **Thursday, April 4, 2024, at 1:15 p.m.** in the Mary Lou Robinson United States Courthouse, Second Floor Courtroom, Amarillo, Texas. If Defendant elects to waive the right to be present at arraignment, the attached Waiver of Appearance at Arraignment and Entry of Not Guilty Plea must be completed, signed, and returned to the Office of the Clerk for the United States District Court, 205 SE 5th Avenue, Room 133, Amarillo, TX 79101. *See LCrR 49.6.* If the waiver is timely filed, you and your client will not be required to appear at arraignment. Otherwise, you and your client must be present at the arraignment on the date and time stated above.

IT IS SO ORDERED.

ENTERED on March 28, 2024.



LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE

¹ See NDTX Special Order 3-251 regarding referral of hearings through arraignment to the Magistrate Judge.

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**WAIVER OF APPEARANCE AT ARRAIGNMENT AND
ENTRY OF NOT GUILTY PLEA**

1. Pursuant to Rule 10(b) of the Federal Rules of Criminal Procedure, a defendant need not be present for the arraignment if: (a) the defendant has been charged by indictment; (b) the defendant, in a written waiver signed by both the defendant and defense counsel, has waived appearance and has affirmed that the defendant received a copy of the indictment and that the plea is not guilty; and (c) the court accepts the waiver. FED. R. CRIM. P. 10(b).

2. On _____, undersigned counsel _____ (a) presented Defendant _____ with a copy of the indictment, Criminal No. _____, (b) discussed all charges and counts in the indictment, (c) confirmed that Defendant _____ understands the charges, counts, and maximum penalties under law, (d) explained the purposes of arraignment and the right to be present for the arraignment, and (e) affirmed that Defendant _____ elects to waive the right to be present at arraignment and elects to enter a plea of “not guilty” to all charges and counts in the indictment.

3. As evidenced by the signatures below, Defendant _____ hereby (a) AFFIRMS that he received a copy of the indictment, Criminal No. _____, (b) WAIVES the right to be present at arraignment, and (c) ENTERS a plea of “not guilty” to all charges and counts in the indictment, Criminal No. _____.

[DEFENDANT’S NAME]
Defendant

Date: _____

[NAME/TITLE/ADDRESS]
Attorney for Defendant

Date: _____

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Assistant United States Attorney _____ and thereby confirmed that the government is unopposed to Defendant _____ waiving his right to be present at arraignment and Defendant _____ entering a plea of “not guilty.”

[NAME/TITLE/ADDRESS]
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on _____, I caused a copy of the foregoing document to be delivered to the Clerk of Court, the United States Magistrate Judge _____ and Assistant United States Attorney _____.

[NAME/TITLE/ADDRESS]
Attorney for Defendant